

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHN WALDRON,

Plaintiff,

v.

DONALD GAETZ, *et al.*,

Defendants.

Case No. 11-cv-242-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff John Waldron's appeal (Doc. 57) of Magistrate Judge Philip M. Frazier's July 12, 2012, order (Doc. 54) denying his complaint about alleged official misconduct by representatives of the Illinois Attorney General's Office in pleading an affirmative defense Waldron believes does not apply. The affirmative defense is, "Plaintiff's claims are barred by *Heck v. Humphrey* to the extent they invalidate prison discipline for which the Plaintiff lost time." Waldron claims he is serving a life sentence and does not accrue good time credit.

A district court reviewing a magistrate judge's decision on nondispositive issues should modify or set aside that decision if it is clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a); 28 U.S.C. § 636(b)(1)(A). The Court may also *sua sponte* reconsider any matter determined by a magistrate judge. L.R. 73.1(a); *Schur v. L.A. Weight Loss Ctrs., Inc.*, 577 F.3d 752, 760 (7th Cir. 2009).

The Court has reviewed Magistrate Judge Frazier's July 12, 2012, order and finds that it is not clearly erroneous or contrary to law. The Court further sees no reason to reconsider Magistrate Judge Frazier's ruling. The affirmative defense as pled demonstrates no misconduct.

Accordingly, the Court **AFFIRMS** the order (Doc. 54) and **OVERRULES** the defendant's appeal (Doc. 57).

IT IS SO ORDERED.

DATED: August 27, 2012

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE